

REMARKS

The Amendments

Claim 1 is amended to incorporate the subject matter of claim 13. Thus, the recitations of the “piperidin-4-yl” group as an option for R²⁰ and the “piperidin-4-yl-C₁₋₂-alkyl” group as an option for R⁴ are removed. As a result, the proviso at the end of claim 1 is no longer necessary and is removed and claim 13 is canceled.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §103

The sole remaining rejection of claims 1, 6 and 7 under 35 U.S.C. §103, as being obvious over Janssens (U.S. Patent No. 5,041,448), is believed to be rendered moot by the amendment. Claim 13 was not subject to the ground of rejection and was indicated to be drawn to allowable subject matter. The substance of claim 13 is now incorporated into claim 1 and thus claim 1 is essentially previous claim 13 written in independent form, which was indicated to be allowable. As a result, the claims do not encompass compounds having the piperidin-4-yl structure required for the Janssens compounds. Janssens specifically requires the piperidin-4-yl in their compounds and applicants submit there is no reason supported on the record for one of ordinary skill in the art to modify this structural feature of the Janssens compounds.

In order to provide a complete record, applicants provide the following comments on the

remarks provided in the Final Office action. Applicants did not take the position that purinones and purinols are not tautomers. To the contrary, applicants excluded the purinones from the instant claims that were alleged in the Office action to be tautomers of the purinols in Janssens. Applicants' statement quoted in the Office action that "there is no basis to assert they are tautomers of applicants' purinones" referred only to compounds 65 and 101 of Janssens which are not purinols, as was acknowledged in the Office action. In any event, the issue is believed to be rendered moot in view of the amendments above.

For the above reasons, it is urged that the rejection under 35 U.S.C. §103 over Janssens should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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